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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

RICHARD CHARLES VIVANCO,

Defendant and Appellant.

E060956

(Super.Ct.No.) SWF1205402

OPINION

APPEAL from the Superior Court of Riverside County. Albert J. Wojcik, Judge.

Affirmed.

Leslie A. Rose, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

I

INTRODUCTION

On October 23, 2012, an information charged defendant and appellant Richard Charles Vivanco¹ with sale/transportation of a controlled substance, tar heroin under Health and Safety code sections 11352, subdivision (a) (count 1); possession for sale of a controlled substance, tar heroin under Health and Safety Code section 11351 (count 2); possession of liquid heroin under Health and Safety Code section 11350, subdivision (a) (count 3); possession of cocaine under Health and Safety Code section 11350, subdivision (a) (count 4); possession of hydrocodone under Health and Safety Code section 11350, subdivision (a) (count 5); possession of suboxone under Health and Safety Code section 11377, subdivision (a) (count 6); under the influence of a controlled substance under Health and Safety Code section 11550, subdivision (a) (count 7); and possession of drug paraphernalia under Health and Safety Code section 11364.1 (count 8). In addition, sentence enhancements within the meaning of Health and Safety Code section 11370.2 were alleged as to counts 1 and 2. Furthermore, defendant was alleged to have incurred seven prison priors within the meaning of Penal Code sections 667.5, and one strike prior within the meaning of sections 667, subdivisions (c) and (e)(1), and 1170.12, subdivision (c)(1). Defendant was arraigned on October 25, 2012; pled not guilty; and denied the special allegations.

¹ The information also charged co-defendant Rebecca Jean Vargas. She is not a party to this appeal.

On February 5, 2014, the day set for trial, defendant and his co-defendant Vargas entered into a package deal with the trial court. Defendant (1) pled guilty to all the charges; and (2) admitted the Health and Safety Code section 11370.2 enhancements as to counts 1 and 2, the seven priors, and the strike prior. Defendant was advised by the court that he was facing a sentence of 31 years, 8 months if found guilty on all charges. In exchange for the plea, the court agreed to sentence defendant to 17 years, 4 months. On March 14, 2014, defendant was sentenced to the agreed upon term of 17 years, 4 months.

On April 2, 2014, defendant filed a timely notice of appeal “based on the sentence or other matters occurring after the plea that do not affect the validity of the plea.”

II

STATEMENT OF FACTS

On February 5, 2014, at the hearing wherein defendant pled guilty, the parties stipulated to the factual basis of the plea and all admissions. Defendant admitted that he did the things alleged in the complaint as to counts 1 through 8. He also admitted to the enhancements under counts 1 and 2; all the prison priors, and one strike prior.

III

ANALYSIS

After defendant appealed, and upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738 setting forth a statement of the case, a summary of the facts, and potential arguable issues, and requesting this court to undertake a review of the entire record.

We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have conducted an independent review of the record and find no arguable issues.

IV

DISPOSITION

The judgment is affirmed.

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RICHLI
J.

We concur:

McKINSTER
Acting P. J.

CODRINGTON
J.